

REMARKS

This is a full and timely response to the Office Action mailed August 1, 2006.

No claims have been amended in this response. Thus, claims 10-14 are pending in the present application.

In view of this response, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above claims and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 10-14 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Applicant respectfully traverses these rejections.

The Examiner has rejected the phrases “*or more*” and “*or less*” since the Examiner believes that the phrases encompass undefined/infinity density and bending strength, and zero monomer quantity. Applicant respectfully disagrees with the Examiner in this regard.

Applicant believes that the phrases “*a density of 0.2 g/cm³ or more*”, “*an initial bending strength of 30 MPa or more*”, and “*a remaining monomer quantity under a raw pellet state of 500 ppm or less*” are clear on their face and thus, are definite. The specification and claims clearly teach how the density and bending strength (MPa = 3PL/2Wt²) are calculated and whether such density and bending strength fall with the range of the claims. In other words, the ranges of *0.2 g/cm³ or more* and *30 MPa or more* are not indefinite in terms of their scope. Applicant believes that the Examiner might be rejecting the range of *0.2 g/cm³ or more* and *30 MPa or more* as indefinite due to their breadth. However, under U.S. case law, the breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if Applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

Further, the Examiner’s interpretation that the phrase “*500 ppm or less*” encompasses a ppm of zero contradicts the positively recited claimed limitation that the polylactic acid resin must comprise “*a remaining monomer quantity*”. In other words, Applicant believes that the limitation of “*a remaining monomer quantity under a raw pellet state of 500 ppm or less*” must be interpreted to mean “*0 ppm < monomer quantity ≤ 500 ppm*” given that the limitation is positively recited.

Thus, for these reasons, withdrawal of these rejections is respectfully requested.

CONCLUSION

For the foregoing reasons, the pending claims are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

Dated: October 31, 2006

Respectfully submitted,
By _____
David T. Nikaido
Registration No.: 22,663

Lee Cheng
Registration No.: 40,949

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W.
Suite 501
Washington, DC 20036
(202) 955-3750
Attorneys for Applicant

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.